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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |            |
|--|----------------------|------------------------|------------|
| <b>TRANSMITTAL FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/681,418             |            |
|  | Filing Date          | October 7, 2003        |            |
|  | First Named Inventor | H. Michael SHEPARD     |            |
|  | Art Unit             | 1623                   |            |
|  | Examiner Name        | Lawrence E. Crane      |            |
| Total Number of Pages in This Submission   | 31                   | Attorney Docket Number | NB 2008.01 |

| ENCLOSURES (check all that apply)  |  |   |         |  |
|--|--|---|---------|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i><br><br><b>115 Reference, postcard receipt</b> |         |  |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table>   |  |   | Remarks |  |
| Remarks  |  |   |         |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Antoinette F. Konski<br>Bingham McCutchen LLP |
| Signature                                  |   |
| Date                                       | Aug. 6, 2004                                  |

| CERTIFICATE OF MAILING  |                   |
|---|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                   |
| Typed or printed name   | Mary R. Zimmerman |
| Signature   |                   |
| Date  | Aug 6, 2004       |

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PTO FEE TRANSMITTAL**  
for FY 2004.  
Effective 10/01/2003. Patent fees are subject to annual revision.  
Application claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 180

**Complete if Known**

|                      |                    |
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| Attorney Docket No.  | NB 2008.01         |

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit Account Number: 50-2518

Deposit Account Name: Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION**

**1. BASIC FILING FEE**

| Large Entity               | Small Entity | Fee Description | Fee Paid |                        |  |
|----------------------------|--------------|-----------------|----------|------------------------|--|
| Fee Code                   | Fee (\$)     | Fee Code        | Fee (\$) |                        |  |
| 1001                       | 770          | 2001            | 385      | Utility filing fee     |  |
| 1002                       | 340          | 2002            | 170      | Design filing fee      |  |
| 1003                       | 530          | 2003            | 265      | Plant filing fee       |  |
| 1004                       | 770          | 2004            | 385      | Reissue filing fee     |  |
| 1005                       | 160          | 2005            | 80       | Provisional filing fee |  |
| <b>SUBTOTAL (1)</b> (\$) 0 |              |                 |          |                        |  |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims: 20 \*\* = 0 X Fee from below = 0

Independent Claims: 3 \*\* = 0 X Fee from below = 0

Multiple Dependent: X Fee from below = 0

| Large Entity               | Small Entity | Fee Description | Fee Paid |  |  |
|----------------------------|--------------|-----------------|----------|--|--|
| Fee Code                   | Fee (\$)     | Fee Code        | Fee (\$) |  |  |
| 1202                       | 18           | 2202            | 9        | Claims in excess of 20                                     |  |
| 1201                       | 86           | 2201            | 43       | Independent claims in excess of 3                          |  |
| 1203                       | 290          | 2203            | 145      | Multiple dependent claim, if not paid                      |  |
| 1204                       | 86           | 2204            | 43       | ** Reissue independent claims over original patent         |  |
| 1205                       | 18           | 2205            | 9        | ** Reissue claims in excess of 20 and over original patent |  |
| <b>SUBTOTAL (2)</b> (\$) 0 |              |                 |          |  |  |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

| Large Entity                             | Small Entity | Fee Description | Fee Paid |  |     |
|--|--------------|-----------------|----------|--|-----|
| Fee Code                                 | Fee (\$)     | Fee Code        | Fee (\$) |  |     |
| 1051                                     | 130          | 2051            | 65       | Surcharge - late filing fee or oath  |     |
| 1052                                     | 50           | 2052            | 25       | Surcharge - late provisional filing fee or cover sheet.                    |     |
| 1053                                     | 130          | 2053            | 130      | Non-English specification  |     |
| 1812                                     | 2,520        | 2812            | 2,520    | For filing a request for reexamination                                     |     |
| 1804                                     | 920*         | 2804            | 920*     | Requesting publication of SIR prior to Examiner action                     |     |
| 1805                                     | 1,840*       | 2805            | 1,840*   | Requesting publication of SIR after Examiner action                        |     |
| 1251                                     | 110          | 2251            | 55       | Extension for reply within first month                                     |     |
| 1252                                     | 420          | 2252            | 210      | Extension for reply within second month                                    |     |
| 1253                                     | 950          | 2253            | 475      | Extension for reply within third month                                     |     |
| 1254                                     | 1,480        | 2254            | 740      | Extension for reply within fourth month                                    |     |
| 1255                                     | 2,010        | 2255            | 1,005    | Extension for reply within fifth month                                     |     |
| 1401                                     | 330          | 2401            | 165      | Notice of Appeal   |     |
| 1402                                     | 330          | 2402            | 165      | Filing a brief in support of an appeal                                     |     |
| 1403                                     | 290          | 2403            | 145      | Request for oral hearing   |     |
| 1451                                     | 1,510        | 2451            | 1,510    | Petition to institute a public use proceeding                              |     |
| 1452                                     | 110          | 2452            | 55       | Petition to revive - unavoidable   |     |
| 1453                                     | 1,330        | 2453            | 665      | Petition to revive - unintentional   |     |
| 1501                                     | 1,330        | 2501            | 665      | Utility issue fee (or reissue)   |     |
| 1502                                     | 480          | 2502            | 240      | Design issue fee   |     |
| 1503                                     | 640          | 2503            | 320      | Plant issue fee  |     |
| 1460                                     | 130          | 2460            | 130      | Petitions to the Commissioner  |     |
| 1807                                     | 50           | 2807            | 50       | Processing fee under 37 CFR 1.17 (q)                                       |     |
| 1806                                     | 180          | 2806            | 180      | Submission of Information Disclosure Stmt                                  | 180 |
| 8021                                     | 40           | 8021            | 40       | Recording each patent assignment per property (times number of properties) |     |
| 1809                                     | 770          | 2809            | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |     |
| 1810                                     | 770          | 2810            | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |     |
| 1801                                     | 770          | 2801            | 385      | Request for Continued Examination (RCE)                                    |     |
| 1802                                     | 900          | 2802            | 900      | Request for expedited examination of a design application                  |     |
| Other fee (specify) _____                |              |                 |          |  |     |
| <b>*Reduced by Basic Filing Fee Paid</b> |              |                 |          |  |     |
| <b>SUBTOTAL (3)</b> (\$) 180             |              |                 |          |  |     |

**SUBMITTED BY**

|                   |                       |                                   |        |           |              |
|-------------------|-----------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Antoinette F. Konecki | Registration No. (Attorney/Agent) | 34,202 | Telephone | 659-849-4950 |
| Signature         |                       |                                   |        | Date      | 8-6-04       |

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AUG 09 2004

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Substitute for form 1449A-PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 7

Complete if Known

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number – Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear |
|--------------------|-----------------------|---|------------------------------|--|---|
|                    | 1                     | US-3,852,266  | 12-03-74                     | Kiyanagi et al.                                      |   |
|                    | 2                     | US-4,247,544  | 01-27-81                     | Bergstrom, et al.                                    |   |
|                    | 3                     | US-4,267,171  | 04-12-81                     | Bergstrom, et al.                                    |   |
|                    | 4                     | US-4,542,210  | 09-17-85                     | Sakata et al.  |   |
|                    | 5                     | US-4,668,777  | 05-26-87                     | Caruthers et al.                                     |   |
|                    | 6                     | US-4,816,570  | 03-28-89                     | Farquhar   |   |
|                    | 7                     | US-4,948,882  | 08-14-90                     | Ruth   |   |
|                    | 8                     | US-4,963,263  | 10-16-90                     | Kauver   |   |
|                    | 9                     | US-4,963,533  | 10-16-90                     | De Clercq et al.                                     |   |
|                    | 10                    | US-4975,278   | 12-04-90                     | Senter et al.  |   |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|------------------------------|--|---|----------------|
|                    | 11                    | DE 32 29 169 A1  | 02-09-84                     | De Clercq et al.                                     |   |                |
|                    | 12                    | EP 0 311 107 A2  | 04-12-89                     | Stichting REGA VZW                                   |   |                |
|                    | 13                    | EP 0 311 108A2   | 04-12-89                     | Stichting REGA VZW                                   |   |                |
|                    | 14                    | EP 0 316 592   | 05-24-89                     | Stichting REGA VZW                                   |   |                |
|                    | 15                    | GB 982 776   | 02-10-65                     | The Wellcome Foundation                              |   |                |
|                    | 16                    | RO 88451   | 01-30-86                     | Antibiotics Enterprise, Iasi                         |   | X              |
|                    | 17                    | WO 89/05817  | 06-29-89                     | Nucleic Acid Research Institute                      |   |                |
|                    | 18                    | WO 90/03978  | 04-19-90                     | Stichting REGA VZW                                   |   |                |
|                    | 19                    | WO 91/17424  | 11-14-91                     | Vical, Inc.  |   |                |

Examiner's  
Signature

Date  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
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(use as many sheets as necessary)

Sheet 2 of 7

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
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| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
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|--------------------|-----------------------|---|------------------------------|--|---|
|                    | 20                    | US-5,070,082  | 12-03-91                     | Murdock, et al. (I)                                  |   |
|                    | 21                    | US-5,077,282  | 12-31-91                     | Murdock, et al. (II)                                 |   |
|                    | 22                    | US-5,077,283  | 12-31-91                     | Murdock, et al. (III)                                |   |
|                    | 23                    | US-5,085,983  | 02-04-92                     | Scanlon  |   |
|                    | 24                    | US-5,116,822  | 05-26-92                     | De Clercq et al.                                     |   |
|                    | 25                    | US-5,116,827  | 05-26-92                     | Murdock, et al. (IV)                                 |   |
|                    | 26                    | US-5,133,866  | 07-28-92                     | Kauver   |   |
|                    | 27                    | US-5,137,724  | 08-11-92                     | Balzarini et al.                                     |   |
|                    | 28                    | US-5,212,161  | 05-18-93                     | Moriniere et al.                                     |   |
|                    | 29                    | US-5,212,291  | 05-18-93                     | Murdock, et al. (V)                                  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited Document   | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|------------------------------|--|---|----------------|
|                    | 30                    | WO 92/19767  | 11-12-92                     | Terrapin Technologies, Inc.  |   |                |
|                    | 31                    | WO 93/06120  | 04-01-93                     | University of Rochester  |   |                |
|                    | 32                    | WO 94/03467  | 02-17-94                     | Institute of Organic Chemistry & Biochemistry of the Academy of Sciences of the Czech Republic, et al. |   |                |
|                    | 33                    | WO 94/22483  | 10-13-94                     | Kozak, Alexander   |   |                |

Examiner's  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 3 of 7

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|--------------------|-----------------------|---|------------------------------|--|---|
|                    | 34                    | US-5,217,869  | 06-08-93                     | Kauver   |   |
|                    | 35                    | US-5,233,031  | 08-03-92                     | Borch et al.   |   |
|                    | 36                    | US-5,264,618  | 11-23-93                     | Felgner et al.                                       |   |
|                    | 37                    | US-5,300,425  | 04-05-94                     | Kauver   |   |
|                    | 38                    | US-5,338,659  | 08-16-94                     | Kauver, et al.                                       |   |
|                    | 39                    | US-5,430,148  | 07-04-95                     | Webber, et al.                                       |   |
|                    | 40                    | US-5,433,955  | 07-18-95                     | Bredehorst et al.                                    |   |
|                    | 41                    | US-5,457,187  | 10-10-95                     | Gmeiner et al.                                       |   |
|                    | 42                    | US-5,459,127  | 10-17-85                     | Felgner et al.                                       |   |
|                    | 43                    | US-5,516,631  | 05-14-96                     | Frisch   |   |

**FOREIGN PATENT DOCUMENTS**

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|--------------------|-----------------------|--|------------------------------|---|---|----------------|
|                    | 44                    | WO 95/01806  | 01-19-95                     | Kondratyev, A.  |   |                |
|                    | 45                    | WO 95/08556  | 03-30-95                     | Amersham<br>International, Inc.                                   |   |                |
|                    | 46                    | WO 95/09865  | 04-13-95                     | Terrapin<br>Technologies, Inc.                                    |   |                |
|                    | 47                    | WO 95/12678  | 05-11-95                     | Connors, T. et al.  |   |                |
|                    | 48                    | WO 96/03151  | 02-08-96                     | Springer et al.   |   |                |
|                    | 49                    | WO 96/07413  | 04-04-96                     | University of Georgia<br>Research Foundation<br>& Yale University |   |                |

Examiner's  
SignatureDate  
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Sheet 4 of 7

**Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number – Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear |
|--------------------|-----------------------|---|------------------------------|--|---|
|                    | 50                    | US-5,521,161  | 05-28-96                     | Malley et al.  |   |
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|                    | 59                    | US-5,968,910  | 10-19-99                     | Balzarini  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited Document   | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|------------------------------|--|---|----------------|
|                    | 60                    | WO 96/10030  | 04-04-96                     | Isis Pharmaceuticals, Inc.   |   |                |
|                    | 61                    | WO 96/23506  | 08-08-96                     | Fraunhofer Society<br>for the Promotion of<br>Applied Research<br>E.V.                             |   | X              |
|                    | 62                    | WO 96/29336  | 09-26-96                     | Medical Research<br>Council, University<br>College Cardiff<br>Consultants, Inc.<br>Rega Foundation |   |                |

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Sheet 5 of 7

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|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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|--------------------|-----------------------|---|------------------------------|--|---|
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|--------------------|-----------------------|--|------------------------------|---|---|----------------|
|                    | 71                    | WO 96/33168  | 10-24-96                     | Kumiai Chemical<br>Industry Co Ltd et al.               |   |                |
|                    | 72                    | WO 96/40088  | 12-19-96                     | Hostettler, Karl Y.                                     |   |                |
|                    | 73                    | WO 96/40708  | 12-19-96                     | La Jolla<br>Pharmaceuticals, Inc.                       |   |                |
|                    | 74                    | WO 96/40739  | 12-19-96                     | Terrapin<br>Technologies, Inc.                          |   |                |
|                    | 75                    | WO 97/25342  | 07-17-97                     | Terrapin<br>Technologies, Inc.                          |   |                |
|                    | 76                    | WO 97/28179  | 08-07-97                     | Fick, James & Israel,<br>Mark                           |   |                |

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Sheet 6 of 7

**Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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|                       | 77                       | WO 97/49717  | 12-31-97                     | Balzarini et al.  |   |                |
|                       | 78                       | WO 98/49177  | 11-05-98                     | University College<br>Cardiff Consultants<br>Limited  |   |                |
|                       | 79                       | WO 99/06072  | 02-11-99                     | Boehringer Mannheim<br>Corp.  |   |                |
|                       | 80                       | WO 99/08110  | 02-18-99                     | NewBiotics, Inc.  |   |                |
|                       | 81                       | WO 99/20741  | 04-29-99                     | Geron Corporation   |   |                |
|                       | 82                       | WO 99/23104  | 05-14-99                     | The Government of<br>the United States of<br>America represented<br>by The Secretary of<br>Health & Human<br>Services |   |                |
|                       | 83                       | WO 99/37753  | 07-29-99                     | NewBiotics, Inc.  |   |                |

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Sheet 7 of 7

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|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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**FOREIGN PATENT DOCUMENTS**

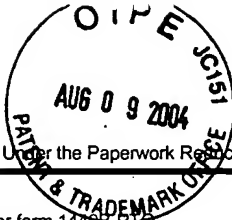
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YY | Name of Patentee or<br>Application of Cited<br>Document                     | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|--|------------------------------|---|---|----------------|
|                       | 84                       | WO 00/18755  | 04-06-00                     | University College<br>Cardiff Consultants<br>Limited and Rega<br>Foundation |   |                |
|                       | 85                       | WO 00/33888  | 06-15-00                     | Dubois, V. et al.   |   |                |
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**INFORMATION DISCLOSURE  
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Sheet 1 of 19

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|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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|--------------------|-----------------------|--|----------------|
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

2

of

19

Application Number

10/681,418

Filing Date

October 7, 2003

First Named Inventor

H. Michael SHEPARD

Art Unit

Lawrence E. Crane

Examiner Name

1623

Attorney Docket Number

NB 2008.01

## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published  | T <sup>2</sup> |
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First Named Inventor

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Art Unit

Lawrence E. Crane

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| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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| Application Number     | 10/681,418         |
| Filing Date            | October 7, 2003    |
| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
| Attorney Docket Number | NB 2008.01         |

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Application Number

10/681,418

Filing Date

October 7, 2003

First Named Inventor

H. Michael SHEPARD

Art Unit

Lawrence E. Crane

Examiner Name

1623

Attorney Docket Number

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| First Named Inventor   | H. Michael SHEPARD |
| Art Unit               | Lawrence E. Crane  |
| Examiner Name          | 1623               |
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This collection of information is required by 37 CFR 1.98. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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of

19

Application Number

10/681,418

Filing Date

October 7, 2003

First Named Inventor

H. Michael SHEPARD

Art Unit

Lawrence E. Crane

Examiner Name

1623

Attorney Docket Number

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|                    | 245                   | NOOTER and STOTER "Molecular mechanisms of multidrug resistance in cancer chemotherapy" <i>Path. Res. Pract.</i> (1996) <b>192</b> :768-780   |                |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application for:

H. Michael SHEPARD et al.

Serial No.: 10/681,418

Filing Date: October 7, 2003

For: ENZYME CATALYZED THERAPEUTIC  
COMPOUNDS

Examiner: Lawrence E. Crane

Group Art Unit: 1623

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified application. The items are listed on the attached forms PTO/SB/08a and PTO/SB/08b.

Copies of the following documents listed in PTO/SB/08a (Item Nos. 1-15, 17-60, 62-65, and 71-88) and copies of the following documents listed in PTO/SB/08b (Item Nos. 1-163) were previously cited by the Office or submitted in Information Disclosure Statements in related applications: U.S. Serial Numbers 09/235,961, filed January 22, 1999, now U.S. Patent No. 6,339,151; U.S. Serial No. 09/856,127, filed July 21, 2000 (U.S. Patent No. 6,683,061 issued January 27, 2004); U.S. Serial No. 09/782,721, filed February 12, 2001; U.S. Serial No. 09/990,799, filed November 16, 2001; and U.S. Serial No. 10/051,320, filed January 18, 2002, and accordingly, copies are not included herewith. The Examiner is requested to make these documents of record.

Pursuant to 37 CFR § 1.98(a)(2)(i), copies of the following items identified on form PTO/SB/08a under the heading U.S. Patent Documents (Item Nos. 66-70) are not attached.

Copies of the following documents listed in PTO/SB/08a (Item Nos. 16 and 61) and PTO/SB/08b (Item Nos. 164-275) are attached for consideration.

The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:



With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).

08/10/2004 SZEWDIE1 00000115 502518 10681418

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- ☐ Within three months of the application filing date or before receipt of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☒ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1178 referencing 7008303001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: \_\_\_\_\_

*Aug. 6, 2004*

By: \_\_\_\_\_

*Antoinette F. Konski*

Antoinette F. Konski

Registration No. 34,202

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111-4067  
Telephone: (650) 849-4950  
Facsimile: (650) 849-4800